

**FILED**

**JUN 12 2006**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CAMILO RANGEL,

Defendant -.Appellant.

No. 05-50753

D.C. No. CR-05-00663-RTB

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the Southern District of California  
Roger T. Benitez, District Judge, Presiding

Submitted June 7, 2006<sup>\*\*</sup>  
Pasadena, California

Before: D.W. NELSON, RAWLINSON, and BEA, Circuit Judges.

Camilo Rangel challenges the district court's denial of his motion to suppress the evidence and statements resulting from an alleged illegal arrest at the

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<sup>\*</sup> This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

border without probable cause. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Even if Rangel's handcuffing in the security office constituted an illegal arrest, the evidence at issue was not "come at by exploitation of that illegality" but rather "by means sufficiently distinguishable to be purged of the primary taint." *Brown v. Illinois*, 422 U.S. 590, 599 (1975) (quoting *Wong Sun v. United States*, 371 U.S. 471, 487-88 (1963)). The government had an independent and intervening basis for probable cause to arrest Rangel after it found marijuana pursuant to the lawful search of the spare tire of his truck. *See United States v. Cortez-Rocha*, 394 F.3d 1115, 1119–21 (9th Cir. 2005); *United States v. Nava*, 363 F.3d 942, 946 n.2 (9th Cir. 2004); *United States v. Manuel*, 706 F.2d 908, 911-12 (9th Cir. 1983). The evidence at trial was therefore admissible.

**AFFIRMED.**